



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 176**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S176-ASV-39 [v.2]

Page 1 of 2

Amends Title [YES]
First Edition

Date _____, 2023

Senator Craven

1 moves to amend the bill on page 1, line 2, by rewriting the line to read:
2 "AN ACT TO ENACT THE CONSUMERS IN CRISIS PROTECTION ACT, AND TO
3 EXPAND THE DEFINITIONS OF MINORITY BUSINESS AND
4 HISTORICALLY-UNDERUTILIZED BUSINESS FOR PURPOSES OF PUBLIC
5 CONTRACTS TO INCLUDE ESOP COMPANIES WITH MAJORITY OWNERSHIP BY
6 MINORITY PERSONS OR SOCIALLY AND ECONOMICALLY DISADVANTAGED
7 INDIVIDUALS.";

8
9 and on page 1, lines 3-4, by inserting the following heading between the lines:
10 **"PART I. CONSUMERS IN CRISIS PROTECTION ACT";**
11

12 and on page 7, line 36, by rewriting the line to read:
13 **"SECTION 3. This Part becomes effective October 1, 2023.**
14

15 **PART II. EXPAND DEFINITIONS OF MINORITY BUSINESS AND HISTORICALLY**
16 **UNDERUTILIZED BUSINESS FOR PURPOSES OF PUBLIC CONTRACTS TO**
17 **INCLUDE AN ESOP COMPANY WITH MAJORITY OWNERSHIP BY MINORITY**
18 **PERSONS OR SOCIALLY AND ECONOMICALLY DISADVANTAGED**
19 **INDIVIDUALS.**

20 **SECTION 4.(a) G.S. 143-128.2 reads as rewritten:**
21 **"§ 143-128.2. Minority business participation goals.**

22 ...

23 (g) As used in this section:

24 (1) The term "minority business" ~~means a business:~~ means either of the following:

25 a. A business that meets both of the following conditions:

26 1. ~~In which at~~ At least fifty-one percent (51%) of the business is
27 owned by one or more minority persons or socially and
28 economically disadvantaged individuals, or in the case of a
29 corporation, in which at least fifty-one percent (51%) of the
30 stock is owned by one or more minority persons or socially and
31 economically disadvantaged individuals; and



* S 1 7 6 - A S V - 3 9 - V - 2 *

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 2 of 2

b. An Employee Stock Ownership Plan (ESOP) company in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically individuals.

SECTION 4.(b) G.S. 143-128.4 reads as rewritten:

(a) As used in this Chapter, the term "historically underutilized business" ~~means a~~means either of the following:

a. At least fifty-one percent (51%) of the business is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section, or in the case of a corporation, at least fifty-one percent (51%) of the stock is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section.

(2) An Employee Stock Ownership Plan (ESOP) company in which at least fifty-one percent (51%) of the stock is owned by members of at least one of the groups set forth in subsection (b) of this section.

SECTION 4.(c) This Part is effective when it becomes law.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law."

ADOPTED _____ FAILED _____ TABLED _____